

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

PADEN CLAY, #1312456

§

VS.

§

CIVIL ACTION NO. 9:06cv147

G. DAWSON, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Paden Clay, an inmate confined at the Gib Lewis Unit of the Texas prison system, proceeding *pro se* and seeking to proceed *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed without prejudice for failure to prosecute. The Plaintiff has filed objections.

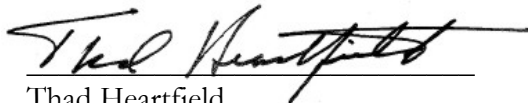
The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. A recommendation was made to dismiss the lawsuit because the Plaintiff failed to submit an *in forma pauperis* data sheet. He had ample time and opportunity to obtain one from the law library. This Court routinely receives such documents from inmates confined at the Gib Lewis Unit. The Plaintiff may not be excused for failing to submit one

to the court. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the cause of action is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b). It is further

**ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.

**SIGNED** this the **27** day of **October, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield  
United States District Judge